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Schedule.

Bill No. 6 of 2009

THE HIMACHAL PRADESH MUNICIPALITY DISCLOSURE BILL, 2009

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to provide for transparency and accountability in the functioning of municipalities in the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixtieth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Himachal Pradesh Municipality Disclosure Act, 2009.

(2) It extends to all the municipalities in the State of Himachal Pradesh.

Definitions.

2. In this Act, unless the context otherwise requires ,—

- (a) “assets” means all immovable properties vested in a municipality;
- (b) “municipality” shall have the meaning assigned to it under clause (33) of section 2 of the Himachal Pradesh Municipal Corporation Act, 1994;
- (c) “prescribed” means prescribed by rules made under this Act; and
- (d) “Schedule” means Schedule appended to this Act.

12 of 1994

Obligation
of the
municipality.

3. (1) Every municipality shall maintain and publish its records duly catalogued and indexed in such manner and in such form as may be prescribed.

(2) It shall be the duty of every municipality to disclose the required information as specified in the Schedule after the end of each quarter.

4. The required information shall be disclosed in such manner as may be prescribed which may include,— Manner of disclosure of information.

- (i) regional news paper in Hindi and English which has *wide* circulation in the area;
- (ii) internet;
- (iii) notice boards of the municipality; and
- (iv) any other mode as may be prescribed.

5. (1) The State Government may, by notification, make rules to carry out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly.

SCHEDULE

[See section 3 (2)]

PART—A

- (i) Particulars of the municipality;
- (ii) A Statement of the boards, councils, committees and other bodies consisting of two or more person constituted as its part for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible for public;
- (iii) A directory of its officers and employees; and
- (iv) The particulars of officers who grant concessions, permits or authorizations for each activity;

PART—B

- (i) Audited financial statements of Balance Sheet, Receipt and Expenditure, and Cash Flow on a quarterly basis, within two months of the end of each quarter; and statutorily audited financial statements for the full financial year, within three months of the end of the financial year;
- (ii) The service levels being provided for each of the services being undertaken by the municipality;
- (iii) Particulars of all plans, proposed expenditure, actual expenditure on major services provided or activities performed and reports on disbursements made;
- (iv) Details of subsidy programmes on major services provided or activities performed by the municipality, and manner and criteria of identification of beneficiaries for such programmes;
- (v) Particulars of the Master plan, City Development Plan or any other Plan concerning the development of the municipal area;

-
- (vi) The particulars of major works, as may be prescribed, together with information on the value of works, time of completion, and details of contract;
 - (vii) The details of the municipal funds *i.e.*, income generated in the previous year which includes,—
 - (a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions;
 - (b) taxes, duties cess and surcharge, rent from the properties, fees from licenses and permissions that remain uncollected and the reasons thereof;
 - (c) share of taxes levied by the State Government and transferred to municipality and the grants released to the municipality;
 - (d) Grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the municipality and the nature and extent of utilization; and
 - (e) Money raised through donation or contribution from public or non governmental agencies;
 - (viii) Annual budget allocated to each ward; and
 - (ix) Such other information as may be prescribed.

STATEMENT OF OBJECTS AND REASONS

In order to improve local governance including accountability and transparency in municipal administration, it is considered essential to bring a law which may provide for transparency and accountability in the functioning of the municipalities. Further, it is also requirement of Jawaharlal Nehru National Urban Renewal Mission (JNNURM) that the State Government and Urban Local Bodies should undertake certain reforms as a precondition to access funds under the mission. The proposed legislation broadly provides for accountability of municipalities and the manner of disclosure of information to the general public and other stake holders. Thus, keeping in view the above facts, it has been decided to bring the proposed Himachal Pradesh Municipality Disclosure Bill, 2009, which may provides for disclosure of information to the general public.

This Bill seeks to achieve the aforesaid objectives.

(KISHAN KAPOOR)

Minister-in-Charge.

SHIMLA :

The _____, 2009.

FINANCIAL MEMORANDUM

—Nil—

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to empower the State Government to make rules for carrying into effect the purposes of this Act. The proposed delegation of powers is essential and normal in character.

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AUTHORITATIVE ENGLISH TEXT

Bill No. 7 of 2009

**THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING
(AMENDMENT) BILL, 2009**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*further to amend the Himachal Pradesh Town and Country Planning
Act, 1977 (Act No. 12 of 1977).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in
the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called The Himachal Pradesh Town and Country Planning (Amendment) Act, 2009. Short title.

2. For section 30-A of the Himachal Pradesh Town and Country Planning Act, 1977, the following section shall be substituted, namely:— Substitution
of section
30-A.

“30-A. Exemption from development permission in rural areas falling within Planning or Special Areas.- (1) Any person who owns land in rural areas, falling within Planning or Special Areas wherein neither Interim Development Plan nor Development Plan has been notified, shall be exempted from permission under this Act for the following development activities upto the limits as may be prescribed:—

- (i) Residential activities such as farm-houses and residential houses upto three storeys, cattle shed, toilet, septic tank, kitchen, store, parking shed or garage and rain shelter;
- (ii) Commercial activities such as basic commercial activities like shops of general merchandise, cobbler, barber, tailoring, fruit, vegetable, tea or sweet, eating places and dhabas, chemist and farm produce sale depot;

(2) Any person who owns land in areas falling outside urbanisable areas, as shown in the Interim Development Plans or Development Plans of Planning or Special Areas, shall be exempted from permission under this Act for the development activities specified under sub-section (1) upto the limits as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

In order to ensure planned and regulated development in the State, the Himachal Pradesh Town and Country Planning Act was enacted in the year 1977 and Rules thereunder were notified in the year, 1978. Since 1977, 20 Planning Areas and 34 Special areas have been notified in the State wherein there are 23 towns. The provisions of the Act and Rules are in force in about 1196 Square Kilometre area, wherein permission for development activities is essential.

In the aforesaid areas, there are 1072 villages in an area of about 1015 Square Kilometre. Most of the areas falling in Planning and Special Areas are under agriculture, horticulture and forest. It has come to the notice that the people living in these areas are facing difficulty in getting permission for construction of residential houses, cow sheds etc. in their agricultural land. In order to solve these difficulties, it is considered necessary to exempt the people living in rural areas and out side the urbanisable area from development permission for traditional development activities upto the prescribed limits. Out of aforesaid 1072 villages, 898 villages having about 834 Square Kilometre area has been proposed to be exempted from development permission. Rest of the 174 villages are in urbanisable area covering about 181 Square Kilometre area wherein permission shall be essential.

Thus, keeping in view the public demand, it has been decided to amend the Act ibid suitably. After the proposed amendment, there shall be no requirement to seek development permission in rural area upto prescribed limits for construction of upto three storeyed residential buildings and other related basic activities like commercial, industrial, public amenities, agriculture, horticulture, heritage etc.

This Bill seeks to achieve the aforesaid objectives.

(KISHAN KAPOOR)
Minister-in-Charge.

SHIMLA:

The February, 2009.

FINANCIAL MEMORANDUM

-Nil-

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to empower the State Government to make rules specifying the limits within which no development permission shall be required in rural areas and areas falling out-side urbanisable areas. This delegation of power is essential and normal in character.

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[Authoritative English text of this Department Notification No. EXN-F(10)-1/2008 Dated 27th February, 2009 as required under clause (3) of Article 348 of the Constitution of India].

EXCISE & TAXATION DEPARTMENT

NOTIFICATION

Shimla-2, the 27th February, 2009

No. EXN-F(10)-1/2008.—In exercise of the powers conferred by Sub-Section (1) of section 3-A of the Himachal Pradesh Tolls Act, 1975, the Governor, of Himachal Pradesh, is pleased to specify 1st April 2009 as the date w.e.f. which the right to collect toll levied under Section 3, shall be leased out to a person by auction or tenders or combination of both or any other mode for the financial year 2009-2010 i.e. w.e.f. 1-4-2009 to 31-3-2010.

The Governor, of Himachal Pradesh, is further pleased to order that the terms and conditions of the lease shall be such as may be determined separately by the Excise & Taxation Commissioner, Himachal Pradesh with the approval of the State Government.

By Order,

Sd/-

Principal Secretary (E&T).

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[Authoritative English text of this Department Notification NoEXN-F(10)-1/2008,
Dated 27th February, 2009 as required under clause (3) of Article 348 of the Constitution of
India]

EXCISE & TAXATION DEPARTMENT

NOTIFICATION

Shimla-2 the 27th Februry, 2009

No. EXN-F(10)-1/2008.— In exercise of the powers conferred by section 3 and 13 of the Himachal Pradesh Tolls Act, 1975 (Act No. 9 of 1975), the Governor of Himachal Pradesh proposes to make the following amendments in Schedule I & II w.e.f. 1st day of April, 2009, namely:—

DRAFT AMENDMENTS

1. Amendment of Schedule-I.—In Schedule-I, against item at Sr. No. 2, sub-item (c)(iii), for the existing entries of “Rs. 100/-” and “Rs. 300/-” appearing in column No. 4 and 5 respectively, the following entries shall be substituted namely :—

“Rs. 50/-” and “Rs. 150/-”, respectively.

2. Amendment of Schedule-II.—(i) In entry 7, in column 2 and 3 after the word “Army”, the sign and word “, Navy” shall be inserted ; and

(ii) After the existing entry 7, the following new entry 8 shall be added; namely:—

8	The light Mechanical Vehicles belonging to the Gallantry Award Winner ex-servicemen and their families i.e. recipients of Param Veer Chakra, Ashok Chakra, Maha Veer Chakra, Kirti Chakra, Veer Chakra, Shourya Chakra, Sena Medal (Gallantry), and also the recipients of Victoria Cross and Military Cross.	On production of Certificate/ identity card issued by the competent Military authority or on production of an Identity Card issued by the Asstt. Excise & Taxation Commissioner, Incharge of the District.
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Any interested person who has any objection(s)/suggestion(s) in relation to the proposed amendment may send the same to the Excise and Taxation Commissioner, Himachal Pradesh, Shimla-171009 within a period of 30 days from the date of publication of this notification in Rajpatra, Himachal Pradesh (Extra Ordinary). The objection(s)/suggestion(s), if any, received within the stipulated period of 30 days shall be duly considered by the Government before the finalization of the draft amendment.

By order,
Sd/-

Principal Secretary.

PERSONNEL (A-I) DEPARTMENT

NOTIFICATION

Shimla-2, the 26th February, 2009

No.1-15/73-Dp-Apptt.(2009).— The Governor, Himachal, Pradesh, is pleased to order the transfers & postings of the following Indian Administrative Service Officers, with immediate effect, in public interest:—

1. Ms.Harinder Hira, IAS(HP:76) presently Additional Chief Secretary(Food, Civil Supplies & Consumer Affairs) to the Govt. of H.P. as Additional Chief Secretary cum FC(Revenue and R&R)to the Govt. of H.P. She will also hold the additional charge of the Department of Food, Civil Supplies & Consumer Affairs.

2. Sh.Prem Kumar, IAS(HP:80), presently FC-cum-Pr. Secretary (Revenue and R&R) to the Govt. of H.P. as Pr. Secretary (Horticulture) to the Government of H.P, Shimla. He will also hold the additional charge of Technical Education Department relieving Sh.P.C.Dhiman, IAS of this additional charge.
3. Dr.P.C.Kapoor, IAS (HP:82) presently Pr. Secretary (Agriculture & Horticulture) to the Government of H.P. as Pr. Secretary (PWD) to the Govt. of H.P, Shimla against the vacancy on superannuation of Sh.Balram Sharma, IAS.
4. Sh.Ram Subhag Singh, IAS(HP:87) presently Director Vigilance cum-Ex-officio Secretary (Home & Vig) to the Government of H.P. who is also holding additional charge of Secretary (Information & Public Relations) to the Government of HP as Secretary (Agriculture and Information & Public Relations) to the Government of H.P, Shimla.
5. Sh.Sanjay Gupta, IAS (HP:88) presently Secretary (Forests) to the Government of H.P. as Managing Director, HP Financial Corporation, Shimla. He will also hold the additional charge of the post of Managing Director, General Industries Corporation, Shimla.
6. Sh.Kashmir Chand, IAS(HP:90) presently Managing Director, HP Financial Corporation who is also holding the additional charges of Managing Director, General Industries Corporation and Managing Director, State Industrial Development Corporation as Managing Director, State Industrial Development Corporation. He will also hold the additional charge of the posts of Managing Director, HPMC, Managing Director, HP Agro Industries Corporation and Managing Director, HP Agro Packaging India Ltd., Shimla.
7. Sh.J.P.Singh, IAS(HP:91) presently Secretary to Governor HP as Director Vigilance cum-Ex-officio Secretary (Home & Vigilance) to the Government of Himachal Pradesh, Shimla.
8. Sh.J.S.Rana, IAS(HP:94) presently Deputy Commissioner, Shimla as Deputy Commissioner, Bilaspur.
9. Sh.Bharat Harbanslal Khera, IAS(HP:95) presently Special Secretary (Agriculture) to the Government of H.P. who is also holding the additional charges

of Managing Director, HPMC, MD, HP Agro Packaging India Ltd. and MD, Agro Industries Corporation, Shimla as Secretary to Governor, HP, Shimla.

10. Sh.V.C.Katoch, IAS(HP:95) presently Managing Director, HP State Electronics Development Corporation, Shimla as Settlement Officer, Shimla relieving Sh.B.R. Verma, IAS of this additional charge.
11. Sh.Devesh Kumar, IAS(HP:98), presently Director, IT who is holding the additional charge of Director TCP, HP, Shimla shall also hold the additional charge of the post of Managing Director, HP State Electronics Development Corporation, Shimla.
12. Mrs. Priyanka Basu Ingty, IAS (HP: 2004) presently Secretary, HP Public Service Commission, Shimla as Deputy Commissioner, Kinnaur at Reckong Peo.

By Order,
Sd/-
Chief Secretary.

AYURVEDA DEPARTMENT

NOTIFICATIONS

Shimla-2, the 26th February, 2009

No.Ayur-F(4)-3/2005.— The Governor, Himachal Pradesh, is pleased to order the opening of 20 bedded District Ayurvedic Hospital at Solan by closing/upgrading the Ayurvedic Health Centres at Ganj and Anji, District Solan with immediate effect. The Governor, Himachal Pradesh is further pleased to order that following posts of these Ayurvedic Health Centres will be adjusted in the aforesaid Hospital by making transfer in the public interest :—

Sr. No.	Name of the post	AHCGanj	AHCAnji
1	Ayurvedic Medical Officer	1	1
2	Ayurvedic Pharmacist	1	1
3	A.N.M.	1	1
4	Sweeper	1	1

2. This issues with the prior concurrence of Finance Department obtained vide their U.O.No.51007241-Fin-F/2009 dated 21.2.2009.

Shimla-2, the 26th February, 2009

No.Ayur-Chh(4)-2/97-Part.—The Governor, Himachal Pradesh, is pleased to order the opening of 20 bedded District Ayurvedic Hospital at Kullu by closing/upgrading the Ayurvedic Health Centres at Sultanpur and Bagan Shila, District Kullu with immediate effect. The Governor, Himachal Pradesh is further pleased to order that following posts of these Ayurvedic Health Centres will be adjusted in the aforesaid Hospital by making transfer in the public interest :—

Sr. No.	Name of the post	AHC Sultanpur	AHC Bagan Shila
1	Ayurvedic Medical Officer	1	1
2	Ayurvedic Pharmacist	1	1
3	A.N.M.	1	1
4	Sweeper	1	1
	Total	4	4

2. This issues with the prior concurrence of Finance Department obtained vide their U.O.No.51007241-Fin-F/2009 dated 21.2.2009.

By order
Sd/-
Pr. Secretary.

HIMACHAL PRADESH ELEVENTH VIDHAN SABHA

NOTIFICATION

Shimla-171004, the 27th February, 2009

No. V.S.- Legn.-Pre /1-21/2008.—The Himachal Pradesh Legislative Assembly adjourned sine-die with effect from the close of its sitting held on the 27th February , 2009.

GOVERDHAN SINGH,
Secretary,
H.P. Vidhan Sabha.

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Himachal Pradesh Eleventh Vidhan Sabha

NOTIFICATION

Shimla-171004, the 27th February, 2009

No. V.S.-Legn-laid/1-6/09.— Under Rule 207 of Rules of Procedure and Conduct of Business of Himachal Pradesh Legislative Assembly, 1973, the following documents laid on the Table of the House on the 27th February, 2009 are hereby notified to be published in the Gazette for general information:—

1. Report of the Comptroller and Auditor General of India for the Year 2007-2008 (Civil) of the Government of Himachal Pradesh (Bilingual);
2. Report of the Comptroller and Auditor General of India for the Year 2007-2008 (Commercial) of the Government of Himachal Pradesh (Bilingual);

By order:

Sd/-

Secretary,

H.P. Vidhan Sabha.

